

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE APRIL 14, 2011

AMENDED IN SENATE APRIL 6, 2011

**SENATE BILL**

**No. 543**

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**Introduced by Senator Price**

February 17, 2011

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An act to amend Sections 144, 5000, 5015.6, 5076, 5076.1, 5510, 5517, 5552.5, ~~5600~~, 5620, 5621, 5622, ~~6510~~, 6530, 6710, 6714, 6763.1, 6797, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 8800, 18602, 18613, and 18618 of, *and to add Sections 5063.10 and 6582.2 to*, the Business and Professions Code, relating to business and professions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 543, as amended, Price. Business and professions: regulatory boards.

(1) Existing law authorizes a board to suspend or revoke a license on various grounds, including, but not limited to, conviction of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires applicants to certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record checks.

This bill would make the fingerprinting requirement applicable to the Board for Professional Engineers, Land Surveyors, and Geologists.

(2) Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including *the California Board of Accountancy*, the

California Architects Board, the Landscape Architects Technical Committee, *the Professional Fiduciaries Bureau*, the Board for Professional Engineers, Land Surveyors, and Geologists, the Contractors' State License Board, the State Board of Guide Dogs for the Blind, and the State Athletic Commission. Existing law requires or authorizes these boards *and the State Athletic Commission*, with certain exceptions, to appoint an executive officer *and existing law authorizes the Governor to appoint the chief of the Professional Fiduciaries Bureau*. Existing law repeals these provisions on January 1, 2012. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of these provisions until January 1, 2016, except the State Board of Guide Dogs for the Blind and the State Athletic Commission, which would be extended until January 1, 2014, *and except the Professional Fiduciaries Bureau, which would be extended until January 1, 2015*. The bill would instead specify that these boards would be subject to review by the appropriate policy committees of the Legislature.

(3) *With respect to accounting firms, existing law, until January 1, 2014, requires a firm, in order to renew its registration, to have a specified peer review report accepted by a California Board of Accountancy-recognized peer review group. Existing law, until January 1, 2014, requires the board to appoint a peer review oversight committee of certified public accountants to provide recommendations to the board relating to the effectiveness of mandatory peer review. Existing law also requires the board, by January 1, 2013, to provide the Legislature and the Governor with a report regarding specified peer review requirements that includes specified information.*

*This bill would extend the operation of the peer review report requirement and the peer review oversight committee to January 1, 2016. The bill would require the report to the Legislature and the Governor to be submitted by January 1, 2015, and would require the report to include certain additional information and recommendations.*

*Existing law requires an accountant licensee to report to the board the occurrence of certain events taking place after January 1, 2003, including any restatement of a financial statement.*

*This bill would exempt any restatement that is included in any report filed with the United States Securities and Exchange Commission from this requirement.*

(3)

(4) Existing law authorizes the California Architects Board to, by regulation, implement an intern development program until July 1, 2012.

This bill, by deleting that termination date, would instead authorize the board to, by regulation, implement the intern development program indefinitely.

~~(4) Existing law provides for the expiration of a license to practice architecture on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.~~

~~This bill would instead provide for the expiration of a license within 24 months after the issue date as established by the board.~~

*(5) Existing law prohibits a person from holding himself or herself out as a professional fiduciary without a license issued by the Professional Fiduciaries Bureau. Existing law exempts from the license requirement a person enrolled as an agent to practice before the Internal Revenue Service, as specified. Under existing law, a license may be suspended, revoked, denied, or other disciplinary action may be imposed for various reasons.*

*This bill would revise the exemption requirement by additionally requiring that the enrolled agent provide only fiduciary services that are ancillary to the primary services of an enrolled agent and that those services be provided at the request of a client with which the enrolled agent has an existing professional relationship. The bill would authorize the bureau, instead of issuing an accusation or statement of issues against a licensee or applicant, to enter into a specified settlement with a licensee or applicant.*

~~(5)~~

(6) Existing law authorizes the State Board of Guide Dogs for the Blind to establish an arbitration panel pilot project, until January 1, 2012, for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified.

This bill would instead authorize the arbitration panel pilot project until January 1, 2014.

~~(6)~~

(7) Existing law requires an applicant to use the title “structural engineer” to have successfully passed both a written examination that incorporates a national examination for structural engineers and a supplemental California specific examination, as specified.

This bill would instead require these applicants to pass only a written examination for structural engineering that is administered by a nationally recognized entity approved by the board.

(7)

(8) Existing law establishes the Professional Engineer's and Land Surveyor's Fund, requires all money received by the Department of Consumer Affairs from the operation of the Professional Engineer's Act and the Professional Land Surveyor's Act to be deposited in the fund, and appropriates the moneys in the fund for the purposes of those acts. Existing law establishes the Geology and Geophysics Fund and requires the Board for Professional Engineers, Land Surveyors, and Geologists to provide all money received by the board under the Geologists and Geophysicists Act to the State Treasury for credit to the Geology and Geophysics Fund.

This bill would abolish the Geology and Geophysics Fund, rename the Professional Engineer's and Land Surveyor's Fund as the Professional Engineer's, Land Surveyor's, Geologist's, and Geophysicist's Fund, and require all moneys received by the board under the Geologists and Geophysicists Act to be deposited in that fund. The bill would require all moneys paid into the fund pursuant to the Geologists and Geophysicists Act to be appropriated to carry out the provisions of the act.

(8)

(9) Existing law requires an applicant for registration as a geologist to pay an examination fee fixed by the board at an amount equal to the actual cost to the board to administer the examination, not to exceed \$450.

This bill would delete the provisions limiting the examination fee to \$450.

(9)

(10) Existing law requires the State Athletic Commission to provide a report to the Governor and the Legislature by July 30, 2010, regarding the condition of the State Athletic Commission Neurological Examination Account and the Boxers' Pension Fund, as specified.

This bill would require the commission to provide the report to the Legislature by July 30, 2012.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Registered Veterinary Technician Committee.
- (10) Board of Vocational Nursing and Psychiatric Technicians.
- (11) Respiratory Care Board of California.
- (12) Hearing Aid Dispensers Advisory Commission.
- (13) Physical Therapy Board of California.
- (14) Physician Assistant Committee of the Medical Board of California.
- (15) Speech-Language Pathology and Audiology Board.
- (16) Medical Board of California.
- (17) State Board of Optometry.
- (18) Acupuncture Board.
- (19) Cemetery and Funeral Bureau.
- (20) Bureau of Security and Investigative Services.
- (21) Division of Investigation.
- (22) Board of Psychology.
- (23) The California Board of Occupational Therapy.
- (24) Structural Pest Control Board.
- (25) Contractors' State License Board.
- (26) Bureau of Naturopathic Medicine.
- (27) The Professional Fiduciaries Bureau.

(28) Board for Professional Engineers, Land Surveyors, and Geologists.

(c) The provisions of paragraph (24) of subdivision (b) shall become operative on July 1, 2004. The provisions of paragraph (25) of subdivision (b) shall become operative on the date on which sufficient funds are available for the Contractors' State License Board and the Department of Justice to conduct a criminal history record check pursuant to this section or on July 1, 2005, whichever occurs first.

*SEC. 2. Section 5000 of the Business and Professions Code is amended to read:*

5000. There is in the Department of Consumer Affairs the California Board of Accountancy, which consists of 15 members, seven of whom shall be licensees, and eight of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.

The Governor shall appoint four of the public members, and the seven licensee members as provided in this section. The Senate Rules Committee on Rules and the Speaker of the Assembly shall each appoint two public members. In appointing the seven licensee members, the Governor shall appoint members representing a cross section of the accounting profession with at least two members representing a small public accounting firm. For the purposes of this chapter, a small public accounting firm shall be defined as a professional firm that employs a total of no more than four licensees as partners, owners, or full-time employees in the practice of public accountancy within the State of California.

This section shall remain in effect only until January 1, 2012, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, 2016, deletes or extends that date.

~~The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).~~

*Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.* However, the review of the board shall be limited to reports or studies specified in this chapter and those issues identified by the ~~Joint Committee on Boards, Commissions, and Consumer Protection~~ appropriate policy

1 *committees of the Legislature* and the board regarding the  
2 implementation of new licensing requirements.

3 *SEC. 3. Section 5015.6 of the Business and Professions Code*  
4 *is amended to read:*

5 5015.6. The board may appoint a person exempt from civil  
6 service who shall be designated as an executive officer and who  
7 shall exercise the powers and perform the duties delegated by the  
8 board and vested in him or her by this chapter.

9 This section shall remain in effect only until January 1, ~~2012~~  
10 2016, and as of that date is repealed, unless a later enacted statute,  
11 that is enacted before January 1, ~~2012~~ 2016, deletes or extends  
12 that date.

13 *SEC. 4. Section 5063.10 is added to the Business and*  
14 *Professions Code, to read:*

15 5063.10. (a) Any restatement of a financial statement that is  
16 included in any report filed with the United States Securities and  
17 Exchange Commission shall be exempt from the requirement  
18 described in paragraph (1) of subdivision (b) of Section 5063.

19 (b) Nothing in this section shall be construed to require the  
20 reporting of any restatement of a financial statement that is not  
21 required to be submitted to the board pursuant to Section 59 of  
22 Title 16 of the California Code of Regulations.

23 *SEC. 5. Section 5076 of the Business and Professions Code is*  
24 *amended to read:*

25 5076. (a) In order to renew its registration, a firm, as defined  
26 in Section 5035.1, shall have a peer review report of its accounting  
27 and auditing practice accepted by a board-recognized peer review  
28 program no less frequently than every three years.

29 (b) For purposes of this article, the following definitions apply:

30 (1) "Peer review" means a study, appraisal, or review conducted  
31 in accordance with professional standards of the professional work  
32 of a firm, and may include an evaluation of other factors in  
33 accordance with the requirements specified by the board in  
34 regulations. The peer review report shall be issued by an individual  
35 who has a valid and current license, certificate, or permit to practice  
36 public accountancy from this state or another state and is  
37 unaffiliated with the firm being reviewed.

38 (2) "Accounting and auditing practice" includes any services  
39 that are performed using professional standards defined by the  
40 board in regulations.

1 (c) The board shall adopt regulations as necessary to implement,  
2 interpret, and make specific the peer review requirements in this  
3 section, including, but not limited to, regulations specifying the  
4 requirements for board recognition of a peer review program,  
5 standards for administering a peer review, extensions of time for  
6 fulfilling the peer review requirement, exclusions from the peer  
7 review program, and document submission.

8 (d) The board shall adopt emergency regulations in accordance  
9 with the Administrative Procedure Act (Chapter 3.5 (commencing  
10 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
11 Government Code) to establish policies, guidelines, and procedures  
12 as outlined in subdivision (c). The adoption of the regulations shall  
13 be considered by the Office of Administrative Law to be necessary  
14 for the immediate preservation of the public peace, health and  
15 safety, or general welfare. The emergency regulations shall be  
16 submitted to the Office of Administrative Law for filing with the  
17 Secretary of State and publication in the California Code of  
18 Regulations, and shall be replaced in accordance with the  
19 Administrative Procedure Act.

20 (e) Nothing in this section shall prohibit the board from initiating  
21 an investigation and imposing discipline against a firm or licensee,  
22 either as the result of a complaint that alleges violations of statutes,  
23 rules, or regulations, or from information contained in a peer review  
24 report received by the board.

25 (f) A firm issued a substandard peer review report, as defined  
26 by the board in regulation, shall submit a copy of that report to the  
27 board. The board shall establish in regulation the time period that  
28 a firm must submit the report to the board. This period shall not  
29 exceed 60 days from the time the report is accepted by a  
30 board-recognized peer review program provider to the date the  
31 report is submitted to the board.

32 (g) (1) A board-recognized peer review program provider shall  
33 file a copy with the board of all substandard peer review reports  
34 issued to California-licensed firms. The board shall establish in  
35 regulation the time period that a board-recognized peer review  
36 program provider shall file the report with the board. This period  
37 shall not exceed 60 days from the time the report is accepted by a  
38 board-recognized peer review program provider to the date the  
39 report is filed with the board. These reports may be filed with the  
40 board electronically.



(2) Nothing in this subdivision shall require a board-recognized peer review program provider, when administering peer reviews in another state, to violate the laws of that state.

(h) The board shall, by January 1, 2010, define a substandard peer review report in regulation.

(i) Any requirements imposed by a board-recognized peer review program on a firm in conjunction with the completion of a peer review shall be separate from, and in addition to, any action by the board pursuant to this section.

(j) Any report of a substandard peer review submitted to the board in conjunction with this section shall be collected for investigatory purposes.

(k) Nothing in this section affects the discovery or admissibility of evidence in a civil or criminal action.

(l) Nothing in this section requires any firm to become a member of any professional organization.

(m) A peer reviewer shall not disclose information concerning licensees or their clients obtained during a peer review, unless specifically authorized pursuant to this section, Section 5076.1, or regulations prescribed by the board.

(n) (1) By January 1, ~~2013~~ 2015, the board shall provide the Legislature and Governor with a report regarding the peer review requirements of this section that includes, without limitation:

(A) *The number of peer review reports completed to date and the number of reports which were submitted to the board as required in subdivision (f).*

(B) *The number of enforcement actions that were initiated as a result of an investigation conducted pursuant to subdivision (j).*

(C) *The number of firms that were recommended to take corrective actions to improve their practice through the mandatory peer review process, and the number of firms that took corrective actions to improve their practice following recommendations resulting from the mandatory peer review process.*

(D) *The extent to which mandatory peer review of accounting firms enhances consumer protection.*

(E) *The cost impact on firms undergoing mandatory peer review and the cost impact of mandatory peer review on the firm's clients.*

(F) *A recommendation as to whether the mandatory peer review program should continue.*

(1)

1 (G) The extent to which mandatory peer review of small firms  
2 or sole practitioners that prepare nondisclosure compiled financial  
3 statements on an other comprehensive basis of accounting enhances  
4 consumer protection.

5 ~~(2)~~

6 (H) The impact of peer review required by this section on small  
7 firms and sole practitioners that prepare nondisclosure compiled  
8 financial statements on an other comprehensive basis of accounting.

9 ~~(3)~~

10 (I) The impact of peer review required by this section on small  
11 businesses, nonprofit corporations, and other entities that utilize  
12 small firms or sole practitioners for the purposes of nondisclosure  
13 compiled financial statements prepared on an other comprehensive  
14 basis of accounting.

15 (J) *A recommendation as to whether the preparation of*  
16 *nondisclosure compiled financial statements on another*  
17 *comprehensive basis of accounting should continue to be a part*  
18 *of the mandatory peer review program.*

19 (2) *A report to the Legislature pursuant to this section shall be*  
20 *submitted in compliance with Section 9795 of the Government*  
21 *Code.*

22 (o) This section shall remain in effect only until January 1, ~~2014~~  
23 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, ~~2014~~ 2016, deletes or extends  
25 that date.

26 *SEC. 6. Section 5076.1 of the Business and Professions Code*  
27 *is amended to read:*

28 5076.1. (a) The board shall appoint a peer review oversight  
29 committee of certified public accountants of this state who maintain  
30 a license in good standing and who are authorized to practice public  
31 accountancy to provide recommendations to the board on any  
32 matter upon which it is authorized to act to ensure the effectiveness  
33 of mandatory peer review.

34 (b) The committee may request any information from a  
35 board-recognized peer review program provider deemed necessary  
36 to ensure the provider is administering peer reviews in accordance  
37 with the standards adopted by the board in regulations. Failure of  
38 a board-recognized peer review program provider to respond to  
39 the committee shall result in referral by the committee of the  
40 provider to the board for further action. Any information obtained

1 by the board, its representatives, or the peer review oversight  
2 committee in conjunction with its review of peer review program  
3 providers shall not be a public record, and shall be exempt from  
4 public disclosure, provided, however, this information may be  
5 disclosed under any of the following circumstances:

6 (1) In connection with disciplinary proceedings of the board.

7 (2) In connection with legal proceedings in which the board is  
8 a party.

9 (3) In response to an official inquiry by a federal or state  
10 governmental regulatory agency.

11 (4) In compliance with a subpoena or summons enforceable by  
12 court order.

13 (5) As otherwise specifically required by law.

14 (c) The members of the committee shall be appointed to  
15 two-year terms and may serve a maximum of four consecutive  
16 terms.

17 (d) The board may adopt, as necessary, regulations further  
18 defining the minimum qualifications for appointment as a  
19 committee member and additional administrative elements designed  
20 to ensure the effectiveness of mandatory peer review.

21 (e) This section shall remain in effect only until January 1, ~~2014~~  
22 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
23 that is enacted before January 1, ~~2014~~ ~~2016~~, deletes or extends  
24 that date.

25 ~~SEC. 2.~~

26 *SEC. 7.* Section 5510 of the Business and Professions Code  
27 is amended to read:

28 5510. There is in the Department of Consumer Affairs a  
29 California Architects Board which consists of 10 members.

30 Any reference in law to the California Board of Architectural  
31 Examiners shall mean the California Architects Board.

32 This section shall remain in effect only until January 1, 2016,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before January 1, 2016, deletes or extends that date.  
35 Notwithstanding any other provision of law, the repeal of this  
36 section renders the board subject to review by the appropriate  
37 policy committees of the Legislature.

38 ~~SEC. 3.~~

39 *SEC. 8.* Section 5517 of the Business and Professions Code  
40 is amended to read:

1 5517. The board may appoint a person exempt from civil  
2 service who shall be designated as an executive officer and who  
3 shall exercise the powers and perform the duties delegated by the  
4 board and vested in him or her by this chapter.

5 This section shall remain in effect only until January 1, 2016,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2016, deletes or extends that date.

8 ~~SEC. 4.~~

9 *SEC. 9.* Section 5552.5 of the Business and Professions Code  
10 is amended to read:

11 5552.5. The board may, by regulation, implement an intern  
12 development program.

13 ~~SEC. 5.~~ ~~Section 5600 of the Business and Professions Code is~~  
14 ~~amended to read:~~

15 ~~5600. (a) Licenses issued under this chapter shall expire no~~  
16 ~~more than 24 months after the issue date. The expiration date of~~  
17 ~~the original license shall be set by the board in a manner to best~~  
18 ~~distribute renewal procedures throughout each year.~~

19 ~~(b) To renew an unexpired license, the licenseholder shall, on~~  
20 ~~or before the expiration date of the license, apply for renewal on~~  
21 ~~a form prescribed by the board, and pay the renewal fee prescribed~~  
22 ~~by this chapter.~~

23 ~~(c) The renewal form shall include a statement specifying~~  
24 ~~whether the licensee was convicted of a crime or disciplined by~~  
25 ~~another public agency during the preceding renewal period and~~  
26 ~~that the licensee's representations on the renewal form are true,~~  
27 ~~correct, and contain no material omissions of fact, to the best~~  
28 ~~knowledge and belief of the licensee.~~

29 ~~SEC. 6.~~

30 *SEC. 10.* Section 5620 of the Business and Professions Code  
31 is amended to read:

32 5620. The duties, powers, purposes, responsibilities, and  
33 jurisdiction of the California State Board of Landscape Architects  
34 that were succeeded to and vested with the Department of  
35 Consumer Affairs in accordance with Chapter 908 of the Statutes  
36 of 1994 are hereby transferred to the California Architects Board.  
37 The Legislature finds that the purpose for the transfer of power is  
38 to promote and enhance the efficiency of state government and  
39 that assumption of the powers and duties by the California  
40 Architects Board shall not be viewed or construed as a precedent

1 for the establishment of state regulation over a profession or  
2 vocation that was not previously regulated by a board, as defined  
3 in Section 477.

4 (a) There is in the Department of Consumer Affairs a California  
5 Architects Board as defined in Article 2 (commencing with Section  
6 5510) of Chapter 3.

7 Whenever in this chapter “board” is used, it refers to the  
8 California Architects Board.

9 (b) Except as provided herein, the board may delegate its  
10 authority under this chapter to the Landscape Architects Technical  
11 Committee.

12 (c) After review of proposed regulations, the board may direct  
13 the examining committee to notice and conduct hearings to adopt,  
14 amend, or repeal regulations pursuant to Section 5630, provided  
15 that the board itself shall take final action to adopt, amend, or  
16 repeal those regulations.

17 (d) The board shall not delegate its authority to discipline a  
18 landscape architect or to take action against a person who has  
19 violated this chapter.

20 (e) This section shall remain in effect only until January 1, 2016,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2016, deletes or extends that date.

23 ~~SEC. 7.~~

24 *SEC. 11.* Section 5621 of the Business and Professions Code  
25 is amended to read:

26 5621. (a) There is hereby created within the jurisdiction of the  
27 board, a Landscape Architects Technical Committee, hereinafter  
28 referred to in this chapter as the landscape architects committee.

29 (b) The landscape architects committee shall consist of five  
30 members who shall be licensed to practice landscape architecture  
31 in this state. The Governor shall appoint three of the members.  
32 The Senate Committee on Rules and the Speaker of the Assembly  
33 shall appoint one member each.

34 (c) The initial members to be appointed by the Governor are as  
35 follows: one member for a term of one year; one member for a  
36 term of two years; and one member for a term of three years. The  
37 Senate Committee on Rules and the Speaker of the Assembly shall  
38 initially each appoint one member for a term of four years.  
39 Thereafter, appointments shall be made for four-year terms,  
40 expiring on June 1 of the fourth year and until the appointment

1 and qualification of his or her successor or until one year shall  
2 have elapsed, whichever first occurs. Vacancies shall be filled for  
3 the unexpired term.

4 (d) No person shall serve as a member of the landscape  
5 architects committee for more than two consecutive terms.

6 (e) This section shall remain in effect only until January 1, 2016,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2016, deletes or extends that date.

9 ~~SEC. 8.~~

10 *SEC. 12.* Section 5622 of the Business and Professions Code  
11 is amended to read:

12 5622. (a) The landscape architects committee may assist the  
13 board in the examination of candidates for a landscape architect's  
14 license and, after investigation, evaluate and make  
15 recommendations regarding potential violations of this chapter.

16 (b) The landscape architects committee may investigate, assist,  
17 and make recommendations to the board regarding the regulation  
18 of landscape architects in this state.

19 (c) The landscape architects committee may perform duties and  
20 functions that have been delegated to it by the board pursuant to  
21 Section 5620.

22 (d) The landscape architects committee may send a  
23 representative to all meetings of the full board to report on the  
24 committee's activities.

25 (e) This section shall remain in effect only until January 1, 2016,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2016, deletes or extends that date.

28 *SEC. 13.* *Section 6510 of the Business and Professions Code*  
29 *is amended to read:*

30 6510. (a) There is within the jurisdiction of the department  
31 the Professional Fiduciaries Bureau. The bureau is under the  
32 supervision and control of the director. The duty of enforcing and  
33 administering this chapter is vested in the chief of the bureau, who  
34 is responsible to the director. Every power granted or duty imposed  
35 upon the director under this chapter may be exercised or performed  
36 in the name of the director by a deputy director or by the chief,  
37 subject to conditions and limitations as the director may prescribe.

38 (b) The Governor shall appoint, subject to confirmation by the  
39 Senate, the chief of the bureau, at a salary to be fixed and  
40 determined by the director with the approval of the Director of

1 Finance. The chief shall serve under the direction and supervision  
2 of the director and at the pleasure of the Governor.

3 (c) This section shall remain in effect only until January 1, 2012  
4 2015, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, 2012 2015, deletes or extends  
6 that date.

7 ~~The repeal of this section renders the bureau subject to the review~~  
8 ~~required by Division 1.2 (commencing with Section 473).~~

9 *Notwithstanding any other provision of law, the repeal of this*  
10 *section renders the board subject to review by the appropriate*  
11 *policy committees of the Legislature.*

12 Notwithstanding any other provision of law, upon the repeal of  
13 this section, the responsibilities and jurisdiction of the bureau shall  
14 be transferred to the Professional Fiduciaries Advisory Committee,  
15 as provided by Section 6511.

16 *SEC. 14. Section 6530 of the Business and Professions Code*  
17 *is amended to read:*

18 6530. (a) On and after January 1, 2009, no person shall act or  
19 hold himself or herself out to the public as a professional fiduciary  
20 unless that person is licensed as a professional fiduciary in  
21 accordance with the provisions of this chapter.

22 (b) This section does not apply to a person licensed as an  
23 attorney under the State Bar Act (Chapter 4 (commencing with  
24 Section 6000)).

25 (c) This section does not apply to a person licensed as, and  
26 acting within the scope of practice of, a certified public accountant  
27 pursuant to Chapter 1 (commencing with Section 5000) of Division  
28 3.

29 (d) This section does not apply to a person enrolled as an agent  
30 to practice before the Internal Revenue Service ~~who is acting within~~  
31 ~~the scope of practice~~ pursuant to Part 10 of Title 31 of the Code  
32 of Federal Regulations, *who is providing fiduciary services that*  
33 *are ancillary to the primary services of an enrolled agent, and*  
34 *those services are provided at the request of a client with which*  
35 *the enrolled agent has an existing professional relationship.*  
36 *However, an enrolled agent who is soliciting clients for fiduciary*  
37 *services or holding himself or herself out as a professional*  
38 *fiduciary shall hold a license in accordance with this chapter.*

39 *SEC. 15. Section 6582.2 is added to the Business and*  
40 *Professions Code, to read:*

1 6582.2. (a) *Notwithstanding Section 6582 and Section*  
2 *11415.60 of the Government Code, the bureau may enter into a*  
3 *settlement with a licensee or applicant instead of the issuance of*  
4 *an accusation or statement of issues against that licensee or*  
5 *applicant.*

6 (b) *The settlement shall identify the factual basis for the action*  
7 *being taken and the statutes or regulations violated.*

8 (c) *Any settlement with a licensee executed pursuant to this*  
9 *section shall be considered discipline and a public record and*  
10 *shall be posted on the bureau's Internet Web site. Any settlement*  
11 *with an applicant executed pursuant to this section shall be*  
12 *considered a public record and shall be posted on the bureau's*  
13 *Internet Web site.*

14 ~~SEC. 9.~~

15 *SEC. 16.* Section 6710 of the Business and Professions Code  
16 is amended to read:

17 6710. (a) There is in the Department of Consumer Affairs a  
18 Board for Professional Engineers, Land Surveyors, and Geologists,  
19 which consists of 15 members.

20 (b) Any reference in any law or regulation to the Board of  
21 Registration for Professional Engineers and Land Surveyors, or  
22 the Board for Professional Engineers and Land Surveyors, is  
23 deemed to refer to the Board for Professional Engineers, Land  
24 Surveyors, and Geologists.

25 (c) This section shall remain in effect only until January 1, 2016,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2016, deletes or extends that date.  
28 Notwithstanding any other provision of law, the repeal of this  
29 section renders the board subject to review by the appropriate  
30 policy committees of the Legislature.

31 ~~SEC. 10.~~

32 *SEC. 17.* Section 6714 of the Business and Professions Code  
33 is amended to read:

34 6714. The board shall appoint an executive officer at a salary  
35 to be fixed and determined by the board with the approval of the  
36 Director of Finance.

37 This section shall remain in effect only until January 1, 2016,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2016, deletes or extends that date.



~~SEC. 11.~~

*SEC. 18.* Section 6763.1 of the Business and Professions Code is amended to read:

6763.1. An applicant to use the title “structural engineer” shall have successfully passed a written examination for structural engineering that is administered by a nationally recognized entity approved by the board.

~~SEC. 12.~~

*SEC. 19.* Section 6797 of the Business and Professions Code is amended to read:

6797. The department shall receive and account for all money derived from the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer’s, Land Surveyor’s, Geologist’s, and Geophysicist’s Fund.

For accounting and recordkeeping purposes, the Professional Engineer’s, Land Surveyor’s, Geologist’s, and Geophysicist’s Fund shall be deemed to be a single special fund, and shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

The fees and civil penalties received under this chapter shall be deposited in the Professional Engineer’s, Land Surveyor’s, Geologist’s, and Geophysicist’s Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

~~SEC. 13.~~

*SEC. 20.* Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) There is in the Department of Consumer Affairs a Contractors’ State License Board, which consists of 15 members.

(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

(c) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 14.~~

*SEC. 21.* Section 7011 of the Business and Professions Code is amended to read:

1     7011. (a) The board, by and with the approval of the director,  
2 shall appoint a registrar of contractors and fix his or her  
3 compensation.

4     (b) The registrar shall be the executive officer and secretary of  
5 the board and shall carry out all of the administrative duties as  
6 provided in this chapter and as delegated to him or her by the  
7 board.

8     (c) For the purpose of administration of this chapter, there may  
9 be appointed a deputy registrar, a chief reviewing and hearing  
10 officer, and, subject to Section 159.5, other assistants and  
11 subordinates as may be necessary.

12     (d) Appointments shall be made in accordance with the  
13 provisions of civil service laws.

14     (e) This section shall remain in effect only until January 1, 2016,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2016, deletes or extends that date.

17     ~~SEC. 15.~~

18     SEC. 22. Section 7200 of the Business and Professions Code  
19 is amended to read:

20     7200. (a) There is in the Department of Consumer Affairs a  
21 State Board of Guide Dogs for the Blind in whom enforcement of  
22 this chapter is vested. The board shall consist of seven members  
23 appointed by the Governor. One member shall be the Director of  
24 Rehabilitation or his or her designated representative. The  
25 remaining members shall be persons who have shown a particular  
26 interest in dealing with the problems of the blind, and at least two  
27 of them shall be blind persons who use guide dogs.

28     (b) This section shall remain in effect only until January 1, 2014,  
29 and as of that date is repealed, unless a later enacted statute, that  
30 is enacted before January 1, 2014, deletes or extends that date.  
31 Notwithstanding any other provision of law, the repeal of this  
32 section renders the board subject to review by the appropriate  
33 policy committees of the Legislature.

34     ~~SEC. 16.~~

35     SEC. 23. Section 7215.6 of the Business and Professions Code  
36 is amended to read:

37     7215.6. (a) In order to provide a procedure for the resolution  
38 of disputes between guide dog users and guide dog schools relating  
39 to the continued physical custody and use of a guide dog, in all  
40 cases except those in which the dog user is the unconditional legal

1 owner of the dog, the following arbitration procedure shall be  
2 established as a pilot project.

3 (b) This procedure establishes an arbitration panel for the  
4 settlement of disputes between a guide dog user and a licensed  
5 guide dog school regarding the continued use of a guide dog by  
6 the user in all cases except those in which the dog user is the  
7 unconditional legal owner of the dog. The disputes that may be  
8 subject to this procedure concern differences between the user and  
9 school over whether or not a guide dog should continue to be used,  
10 differences between the user and school regarding the treatment  
11 of a dog by the user, and differences over whether or not a user  
12 should continue to have custody of a dog pending investigation of  
13 charges of abuse. It specifically does not address issues such as  
14 admissions to schools, training practices, or other issues relating  
15 to school standards. The board and its representative are not parties  
16 to any dispute described in this section.

17 (c) The licensed guide dog schools in California and the board  
18 shall provide to guide dog users graduating from guide dog  
19 programs in these schools a new avenue for the resolution of  
20 disputes that involve continued use of a guide dog, or the actual  
21 physical custody of a guide dog. Guide dog users who are  
22 dissatisfied with decisions of schools regarding continued use of  
23 guide dogs may appeal to the board to convene an arbitration panel  
24 composed of all of the following:

- 25 (1) One person designated by the guide dog user.  
26 (2) One person designated by the licensed guide dog school.  
27 (3) A representative of the board who shall coordinate the  
28 activities of the panel and serve as chair.

29 (d) If the guide dog user or guide dog school wishes to utilize  
30 the arbitration panel, this must be stated in writing to the board.  
31 The findings and decision of the arbitration panel shall be final  
32 and binding. By voluntarily agreeing to having a dispute resolved  
33 by the arbitration panel and subject to its procedures, each party  
34 to the dispute shall waive any right for subsequent judicial review.

35 (e) A licensed guide dog school that fails to comply with any  
36 provision of this section shall automatically be subject to a penalty  
37 of two hundred fifty dollars (\$250) per day for each day in which  
38 a violation occurs. The penalty shall be paid to the board. The  
39 license of a guide dog school shall not be renewed until all penalties  
40 have been paid.

1 The fine shall be assessed without advance hearing, but the  
2 licensee may apply to the board for a hearing on the issue of  
3 whether the fine should be modified or set aside. This application  
4 shall be in writing and shall be received by the board within 30  
5 days after service of notice of the fine. Upon receipt of this written  
6 request, the board shall set the matter for hearing within 60 days.

7 (f) As a general rule, custody of the guide dog shall remain with  
8 the guide dog user pending a resolution by the arbitration panel.  
9 In circumstances where the immediate health and safety of the  
10 guide dog user or guide dog is threatened, the licensed school may  
11 take custody of the dog at once. However, if the dog is removed  
12 from the user's custody without the user's concurrence, the school  
13 shall provide to the board the evidence that caused this action to  
14 be taken at once and without fail; and within five calendar days a  
15 special committee of two members of the board shall make a  
16 determination regarding custody of the dog pending hearing by  
17 the arbitration panel.

18 (g) The arbitration panel shall decide the best means to  
19 determine final resolution in each case. This shall include, but is  
20 not limited to, a hearing of the matter before the arbitration panel  
21 at the request of either party to the dispute, an opportunity for each  
22 party in the dispute to make presentations before the arbitration  
23 panel, examination of the written record, or any other inquiry as  
24 will best reveal the facts of the disputes. In any case, the panel  
25 shall make its findings and complete its examination within 45  
26 calendar days of the date of filing the request for arbitration, and  
27 a decision shall be rendered within 10 calendar days of the  
28 examination.

29 All arbitration hearings shall be held at sites convenient to the  
30 parties and with a view to minimizing costs. Each party to the  
31 arbitration shall bear its own costs, except that the arbitration panel,  
32 by unanimous agreement, may modify this arrangement.

33 (h) The board may study the effectiveness of the arbitration  
34 panel pilot project in expediting resolution and reducing conflict  
35 in disputes between guide dog users and guide dog schools and  
36 may share its findings with the Legislature upon request.

37 (i) This section shall remain in effect only until January 1, 2014,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2014, deletes or extends that date.

~~SEC. 17.~~

*SEC. 24.* Section 7885 of the Business and Professions Code is amended to read:

7885. The board shall report each month to the State Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Professional Engineer's, Land Surveyor's, Geologist's, and Geophysicist's Fund, established in Section 6797.

~~SEC. 18.~~

*SEC. 25.* Section 7886 of the Business and Professions Code is amended to read:

7886. The moneys paid into the Professional Engineer's, Land Surveyor's, Geologist's, and Geophysicist's Fund pursuant to this chapter are hereby appropriated to be used by the board to carry out the provisions of this chapter.

~~SEC. 19.~~

*SEC. 26.* Section 7887 of the Business and Professions Code is amended to read:

7887. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a geologist or a geophysicist or certification as a specialty geologist or a specialty geophysicist and for administration of the examination at not more than two hundred and fifty dollars (\$250).

(b) The registration fee for a geologist or for a geophysicist and the fee for the certification in a specialty shall be fixed at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates that will expire less than one year after issuance, the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not more than six dollars (\$6).

(d) The temporary registration fee for a geologist or for a geophysicist at not more than eighty dollars (\$80).

1 (e) The renewal fee for a geologist or for a geophysicist shall  
2 be fixed by the board at not more than four hundred dollars (\$400).

3 (f) The renewal fee for a specialty geologist or for a specialty  
4 geophysicist at not more than one hundred dollars (\$100).

5 (g) Notwithstanding Section 163.5, the delinquency fee for a  
6 certificate is an amount equal to 50 percent of the renewal fee in  
7 effect on the last regular renewal date.

8 (h) Each applicant for registration as a geologist shall pay an  
9 examination fee fixed by the board at an amount equal to the actual  
10 cost to the board to administer the examination described in  
11 subdivision (d) of Section 7841.

12 (i) Each applicant for registration as a geophysicist or  
13 certification as an engineering geologist or certification as a  
14 hydrogeologist shall pay an examination fee fixed by the board at  
15 an amount equal to the actual cost to the board for the development  
16 and maintenance of the written examination, and shall not exceed  
17 one hundred dollars (\$100).

18 ~~SEC. 20.~~

19 *SEC. 27.* Section 8710 of the Business and Professions Code  
20 is amended to read:

21 8710. (a) The Board for Professional Engineers and Land  
22 Surveyors is vested with power to administer the provisions and  
23 requirements of this chapter, and may make and enforce rules and  
24 regulations that are reasonably necessary to carry out its provisions.

25 (b) The board may adopt rules and regulations of professional  
26 conduct that are not inconsistent with state and federal law. The  
27 rules and regulations may include definitions of incompetence and  
28 negligence. Every person who holds a license or certificate issued  
29 by the board pursuant to this chapter, or a license or certificate  
30 issued to a civil engineer pursuant to Chapter 7 (commencing with  
31 Section 6700), shall be governed by these rules and regulations.

32 (c) This section shall remain in effect only until January 1, 2016,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before January 1, 2016, deletes or extends that date.  
35 Notwithstanding any other provision of law, the repeal of this  
36 section renders the board subject to review by the appropriate  
37 policy committees of the Legislature.

38 ~~SEC. 21.~~

39 *SEC. 28.* Section 8800 of the Business and Professions Code  
40 is amended to read:

1 8800. The department shall receive and account for all money  
2 derived under the operation of this chapter and, at the end of each  
3 month, shall report such money to the State Controller and shall  
4 pay it to the State Treasurer, who shall keep the money in a separate  
5 fund known as the Professional Engineer's, Land Surveyor's,  
6 Geologist's, and Geophysicist's Fund.

7 For accounting and recordkeeping purposes, the Professional  
8 Engineer's, Land Surveyor's, Geologist's, and Geophysicist's  
9 Fund shall be deemed to be a single special fund, and shall be  
10 available for expenditure only for the purposes as are now or may  
11 hereafter be provided by law.

12 The fees and civil penalties received under this chapter shall be  
13 deposited in the Professional Engineer's, Land Surveyor's,  
14 Geologist's, and Geophysicist's Fund. All moneys in the fund are  
15 hereby appropriated for the purposes of this chapter.

16 ~~SEC. 22.~~

17 *SEC. 29.* Section 18602 of the Business and Professions Code  
18 is amended to read:

19 18602. (a) Except as provided in this section, there is in the  
20 Department of Consumer Affairs the State Athletic Commission,  
21 which consists of seven members. Five members shall be appointed  
22 by the Governor, one member shall be appointed by the Senate  
23 Rules Committee, and one member shall be appointed by the  
24 Speaker of the Assembly.

25 The members of the commission appointed by the Governor are  
26 subject to confirmation by the Senate pursuant to Section 1322 of  
27 the Government Code.

28 No person who is currently licensed, or who was licensed within  
29 the last two years, under this chapter may be appointed or  
30 reappointed to, or serve on, the commission.

31 (b) In appointing commissioners under this section, the  
32 Governor, the Senate Rules Committee, and the Speaker of the  
33 Assembly shall make every effort to ensure that at least four of  
34 the members of the commission shall have experience and  
35 demonstrate expertise in one of the following areas:

36 (1) A licensed physician or surgeon having expertise or  
37 specializing in neurology, neurosurgery, head trauma, or sports  
38 medicine. Sports medicine includes, but is not limited to,  
39 physiology, kinesiology, or other aspects of sports medicine.

40 (2) Financial management.

1 (3) Public safety.

2 (4) Past experience in the activity regulated by this chapter,  
3 either as a contestant, a referee or official, a promoter, or a venue  
4 operator.

5 (c) Each member of the commission shall be appointed for a  
6 term of four years. All terms shall end on January 1. Vacancies  
7 occurring prior to the expiration of the term shall be filled by  
8 appointment for the unexpired term. No commission member may  
9 serve more than two consecutive terms.

10 (d) Notwithstanding any other provision of this chapter,  
11 members first appointed shall be subject to the following terms:

12 (1) The Governor shall appoint two members for two years, two  
13 members for three years, and one member for four years.

14 (2) The Senate Committee on Rules shall appoint one member  
15 for four years.

16 (3) The Speaker of the Assembly shall appoint one member for  
17 four years.

18 (e) This section shall remain in effect only until January 1, 2014,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2014, deletes or extends that date.

21 Notwithstanding any other provision of law, the repeal of this  
22 section renders the board subject to review by the appropriate  
23 policy committees of the Legislature.

24 ~~SEC. 23.~~

25 *SEC. 30.* Section 18613 of the Business and Professions Code  
26 is amended to read:

27 18613. (a) (1) The commission shall appoint a person exempt  
28 from civil service who shall be designated as an executive officer  
29 and who shall exercise the powers and perform the duties delegated  
30 by the commission and vested in him or her by this chapter. The  
31 appointment of the executive officer is subject to the approval of  
32 the Director of Consumer Affairs.

33 (2) The commission may employ in accordance with Section  
34 154 other personnel as may be necessary for the administration of  
35 this chapter.

36 (b) This section shall remain in effect only until January 1, 2014,  
37 and as of that date is repealed, unless a later enacted statute, that  
38 is enacted before January 1, 2014, deletes or extends that date.



~~SEC. 24.~~

*SEC. 31.* Section 18618 of the Business and Professions Code is amended to read:

18618. The commission shall furnish to the Governor and the Legislature a report, on or before July 30, 2012, on the following:

(a) The condition of the State Athletic Commission Neurological Examination Account. This report shall include the amount of the assessment collected from each promoter pursuant to Section 18711, the purposes for which moneys in the account are expended, and findings and recommendations on the amounts, appropriateness, and effectiveness of these assessments. The report shall also include a recommendation on the viability and need for creating a medical database that would be used for identifying trends in medical records and data associated with injuries and deaths related to competing.

(b) The condition of the Boxers' Pension Fund. This report shall include a recommendation on whether the fund should be continued and, if so, whether it should be expanded to include all athletes licensed under this chapter and appropriate fees paid into the fund.